

OFFICE OF THE MONITOR

NUNEZ, ET AL. V. CITY OF NEW YORK, ET AL.

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August 28, 2020

VIA ECF

The Honorable Laura T. Swain
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10006

Re: Nunez, et al. v. City of New York, et al., 11-cv-5845 (LTS) (JCF)

Dear Judge Swain,

We write to provide an update on the Parties' efforts to determine the next steps regarding the applicability of the *Nunez* requirements to 16- and 17-year-olds pursuant to our July 31, 2020 letter to the Court (dkt. 351). As of July 27, 2020 there are no Pre-Raise the Age Youth¹ in custody and so the Monitoring Team has ceased monitoring activities at Horizon Juvenile Center ("HOJC") unless or until an agreement is reached regarding the ongoing monitoring of Adolescent Offenders.² Since our last update, the Parties and the Monitoring

¹ Pre-Raise the Age Youth are: (1) all 16- and 17-year-old youth previously incarcerated on Rikers Island and who were detained as of October 1, 2018, and (2) any 17-year-old youth arrested and detained between October 1, 2018 and September 30, 2019.

² Adolescent Offenders are a new legal status, created by the Raise the Age legislation, for 16- and 17-years-olds who are arrested for a felony-level crime. The implementation of this law was staggered so this new category of offenders was applied to 16-year-old youth beginning on October 1, 2018 and 17-year-old youth on October 1, 2019. See, <https://www.ny.gov/raise-age/raise-age-implementation#adolescent-offender>.

Team have communicated about reaching a joint agreement. The Monitoring Team has recently shared a proposal with the Parties in an effort to determine whether a joint agreement may be reached. The Monitoring Team continues to strongly encourage the Parties to try to reach agreement and as soon as possible. Accordingly, the Monitoring Team intends to provide the Court with a status update on or before September 4, 2020.

Sincerely,

s/ Anna E. Friedberg

Steve J. Martin, *Monitor*

Anna E. Friedberg, *Deputy Monitor*

Christina B. Vanderveer, *Associate Deputy Monitor*